



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,318	07/31/2000	John D. Ah Sue	CISCO-2707	4368

7590

11/06/2003

David B Ritchie  
D'Alessandro & Ritchie  
P O Box 640640  
San Jose, CA 95164-0640

EXAMINER
----------

TRAN, THIEN D

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/629,318

Applicant(s)

AH SUE, JOHN D.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 12/29/2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being participated by Chiu et al (U.S Patent No. 6,597,689 B1).

Regarding claims 1, 15, 16, Chiu discloses a method for auto-configuring a Permanent Virtual Circuit (PVC) of a customer premises equipment device over an Asynchronous Transfer Mode (ATM) network, said method (col.7 lines 45-50) comprising:

receiving a plurality of ATM cells from a digital subscriber line access multiplexer; checking said plurality of ATM cells for an Operation and Maintenance (OAM) cell, said OAM cell allowing the PVC to be auto-configured by obtaining a Virtual Path Identifier (VPI) and a Virtual Circuit Identifier (VCI) from said OAM cell (col.20 lines 40-50);

configuring the PVC by obtaining said VPI and said VCI from a first ATM cell; and linking the PVC to a protocol, said protocol being applicable to DSL (col.25 lines 10-30).

Regarding claims 2, 9, Chiu discloses ATM cell further includes a header and a payload, said header comprising a VPI and a VCI (col.17 lines 10-15).

Regarding claim 3, 10, Chiu discloses that OAM cell is used for exchanging control and maintaining the ATM network running (col.28 lines 35-40).

Regarding claims 4, 11, 14, 17, Chiu discloses that first ATM cell is determined by measuring an elapse time between a previous ATM cell and said first ATM cell (col.41 lines 20-60).

Regarding claims 5, 7, 18, 20, Chiu discloses that protocol further includes Point-to-Point Protocol (PPP) interface or Request-For-Comments (RFC) bridge interface (col.60 lines 55-65).

Regarding claims 6, 12, 19, Chiu discloses that receiving a plurality of messages from an aggregate router, said plurality of messages being a plurality of Link Control Protocol (LCP) configuration requests or a plurality of Bridge Protocol Data Unit (BPDU) spanning tree messages (col.84 lines 15-45).

Regarding claim 8, 13, Chiu discloses an Asynchronous Transfer Mode (ATM) communications system comprising: a digital subscriber line access module receiving said plurality of ATM cells; and

a customer premises equipment device having a mechanism which auto-configures a Permanent Virtual Circuit (PVC), said mechanism receiving an ATM cell, said mechanism checking said ATM cell for an Operation and Maintenance (OAM) cell, said OAM cell allowing configuring said PVC by reading a Virtual Path Identifier (VPI) and a Virtual Channel Identifier (VCI) from said OAM, said mechanism linking said PVC to a Point-to-Point Protocol interface or an RFC 1483 bridge interface (col.28 lines 35-60).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Bossemeyer, Jr. et al (US Patent No. 6,285,671 B1) discloses Method and system for providing facsimile service over a digital subscriber line.

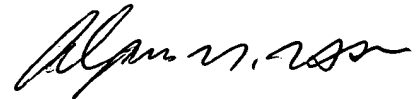
-Rawson et al (US Patent No. 6,028,867 B1) discloses system and method, and network for providing high speed remote access from any location connected by local loop to a central office.

-Hawley (US Patent No. 6,480,494 B1) discloses switching system data interface.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU  
PRIMARY EXAMINER